

## MAY HAVE SLAIN TO HEAD DIVORCE

Mitchell Was About to Be Sued, According to Inquest Testimony.

**TREATS ARE BROUGHT OUT  
VERDICT OF MURDER AND SUICIDE RENDERED.**

A possible motive for the murder of Mrs. Susannah Mitchell in her bed early Monday morning and the suicide of her husband, Edward H. Mitchell, developed yesterday morning at the inquest before Justice Dana T. Smith, when it was brought out that Mrs. Mitchell intended to file suit for divorce. The aged couple had made arrangements to meet Attorney Edward T. McGurran at his office Monday morning to settle upon a division of the property prior to filing divorce proceedings.

The testimony of Mrs. George Moore, a friend of the family, disclosed the scene in the Mitchell cottage when Mrs. Mitchell told her husband of her intention to sue for a divorce. This was Wednesday evening, prior to the double tragedy. The story was told to Mrs. Moore by Mrs. Mitchell the following afternoon. According to Mrs. Moore's testimony, Mitchell flew into a rage when his wife told him she intended to file suit for divorce. Grabbing her around the waist, he threw her to the floor and planted his knee on her chest. He reached for the carving knife on the table, and holding it close to her throat, threatened to kill her. While she lay pinned to the floor she pleaded with him. The hot ashes dropped from his pipe and burned her face as he waved the knife above her head. "Finally she quieted him down and he released her."

**Said He Meant Business.**  
Mrs. Moore said that she talked to Mitchell the next day about his actions and asked him what he meant. Mitchell replied that he meant business and what he did was right. Mrs. Moore said that she asked Mrs. Mitchell to leave him at once, before he did her any harm, but she refused. He was in a sullen mood after their first trouble and hardly spoke to his wife. In spite of this, Mrs. Mitchell's devotion for her husband was such that she did not complain of the treatment she received at his hands.

The testimony as to the character of Mitchell showed that he seemed to be perfectly sane and rational. Mrs. Mary Hubbard, a half-sister of Mrs. Mitchell, who lives at Eureka, said that the witness stand that Mitchell was not feeling well when he came to Eureka July 4, and was in a bad temper. She said he acted strangely and talked to himself. Several of the other witnesses testified to his peculiar behavior. Most of them said that he seemed all right until he went to Eureka a week ago. J. W. Smith, a nephew living at Eureka, testified that on July 4 when he met Mitchell he said there was going to be a killing, and perhaps two. Further than that he did not know the matter or what the trouble was over.

**Verdict of Murder and Suicide.**  
The jurors empaneled in the inquest were Sidney B. Phillips, William Irvine and Thomas Green. After a dozen or more witnesses were examined the jurors went to their room and drew up the verdicts. In the case of Mrs. Susannah Mitchell it was found that she came to her death by having her throat cut with a carving knife. In the case of E. H. Mitchell, the verdict in the case of E. H. Mitchell was that he came to his death by having his neck broken through hanging himself.

The funeral of Mrs. Susannah Mitchell will be held at 2 o'clock today at St. D. Evans' church, 212 South State street, under the auspices of the Ladies of the Maccabees. Her husband will also be buried today, but the services will be private.

## REAL ESTATE TRANSFERS.

D. G. Miller to Garfield, Olin, lots 18 and 19, block 2, 1st H. R. 2nd. First addition to 1st H. R. 2nd. \$3.00  
Florence E. Hirth to Alice Bartlett, child, part lot 5, block 12, plat B. 2300  
C. J. Lakin to F. M. Mead, part section 21, township 1 south, range 1 east. \$1.00  
Bilge W. Dixon to Josephine Hansen, part lot 7, block 12, plat A. 1,000  
Utah Nursery to Twenty-ninth school district, lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100. \$2,300  
Sugar House estate to Latter-day Saints, lot 2, block 1, five-acre plat A. 1  
John J. Simpson to E. M. Orem, mining claim No. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100. \$1  
Charles Brink to F. M. Orem, mining claim No. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100. \$1  
F. M. Orem to New Red Wing Mining Co., Abner mining claim, West Mountain. \$1  
Zion's Savings Bank & Trust Co. to George Carlos Smith, lots 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100. \$257

## ANTI-KERR MEN HOPEFUL.

**Believe They Will Be Able to Oust  
A. C. President Two Years Hence.**  
(Special to The Herald.)  
Logan, July 11.—People here having had time to thoroughly consider what was done at the Agricultural college on Saturday are unreserved in their endorsement of the action, that is, as a general thing. There are those, of course, who insist that Merrill and Whitely should have been retained. These men assert that it is only a question of a short time when these professors will be back at the college, and running it, too, they say. Not many people here doubt that Kerr will be forced out of the presidency in two years, by the new board of trustees. One of these new members was being driven to the college the other day by a well known farmer, who occasionally acts as coachman to the president and director. "What say you now?" the new board member asked of the driver. "Well," he replied, "I think you ought to get out of here in a month more. You go and see Mrs. Gates and Mr. Smart, and I think we can fix that, perhaps not now, but in two years, I say, for at that time we shall be running this show."

But the driver was too wise to be caught that way. "I just gave you the matter to the president and the board," he replied, and if they don't give me what I think I ought to get, then I will go."

As a stinging rebuke for the board member, and will likely convince him that Kerr's friends aren't "cheap" at any rate.

## PORTLAND EXCURSIONS

Via Oregon Short Line.  
Salt Lake to Portland and return (direct).....\$31.50  
Salt Lake to Portland (one way via San Francisco).....42.50  
Salt Lake to Portland and return (one way via Los Angeles).....50.50  
Tickets to Portland and return, direct, on sale daily from May 24 to Sept. 30, inclusive. Tickets reading one way via San Francisco or Los Angeles on sale July 1, 2, 3, 4, 7, 8, 9, 11, 12, 13, 14, 26, 27, 28. All tickets good for stopovers and limited to ninety days from date of sale. Additional selling dates for tickets via San Francisco or Los Angeles quoted later. City Ticket Office, 201 Main street.

## NO HOMESTEAD FOR PLURAL WIFE

Supreme Court So Decides in Case of Mrs. Emily P. Raleigh.

**HAS NO DOWER INTEREST  
PLAINTIFF HAD APPEALED FROM FORMER RULING.**

The supreme court yesterday handed down a decision involving the rights of a plural wife to the homestead of her deceased husband. The court upheld the judgment of the district court in the case of Emily P. Raleigh, appellant, against Caroline C. R. Wells, Jacob T. Raleigh, L. West, Ernest E. Romney, William Asper and Alfred Solomon, executors of the estate of Alonzo H. Raleigh, deceased, the Church of Jesus Christ of Latter-day Saints and the Mutual Investment company, wherein it was decided that she could not obtain a dower interest in real estate left by Raleigh at his death.

Emily P. Raleigh, who was a plural wife of Alonzo H. Raleigh, brought the action to quiet title in herself to certain real estate in Salt Lake City. The Mutual Investment company, which had purchased the property in the name of the late Raleigh, also brought an action to quiet title in that company and as against Mrs. Raleigh, the plaintiff in the first action. At the trial both cases were consolidated and tried together. The judgment of the lower court was against the contention of Mrs. Raleigh, and she appealed to the supreme court, which sustains the lower court in denying to Mrs. Raleigh the dower interest in the real estate of her husband.

**Sisters Married Raleigh.**  
The following sketch of Mrs. Raleigh's career appears in the opinion of the supreme court, which was written by Chief Justice Bartch and concurred in by Justices McCarty and Straup:

"Jan. 1, 1857, Emily P. Raleigh (maiden name not given) and her sister, Elizabeth, became the polygamous wives of Alonzo H. Raleigh, who lived with him and with other wives on the premises in controversy, which had been previously acquired by himself and his legal wife, Mrs. Caroline C. R. Wells, his daughter by his legal wife and his tenant of his property under his will, also contented to reside on the premises until 1879, and after he left the place two of his wives remained living there."

The plaintiff, Mrs. Emily P. Raleigh, and Raleigh lived in the house as husband and wife until 1886 or 1887, when he, to avoid prosecution for polygamy, moved out and went to live across the street. The plaintiff continued residing on the premises after his death, and when his estate got into probate court she filed a claim against the property, claiming that it belonged to her as his widow. To back up this claim she asserted that he had given the property to her.

The supreme court did not find any of the contentions of Mrs. Raleigh sustained by the evidence given at the trial.

## NO FEE FOR COUNTY CLERK.

**District Judges Agree Probate Law Is Not Retroactive.**  
Judge George G. Armstrong rendered a decision yesterday in the test case brought by the probate court to determine the right of County Clerk J. C. Eldredge, Jr., to collect a report on the probate of the estate of Alonzo H. Raleigh, deceased, but not closed up before the law authorizing the collection of the fee went into effect, in which he held that the fee could not be collected. This decision was reached by the four judges of the district court sitting en banc and Judge Armstrong was selected to make it public.

Attorney McDowell represented the estate of David H. Davidson, deceased, and it was contended that the law authorizing the collection of the reporter's fee, which passed in 1899, did not apply, for the reason that the administration of the estate was begun before the law became operative, although the estate has not yet been closed. The opinion holds that the law is not retroactive.

## RULES ON MINE LOCATION.

**Supreme Court Lays Down Law in Deciding For J. P. Brockbank.**

The supreme court yesterday reversed the judgment of the district court in the case of Joseph P. Brockbank, appellant, against the Albion Mining company. The opinion was by Chief Justice Bartch and Justices McCarty and Straup concurring.

This was an action to determine the adverse claims of the parties to the right of possession of certain mining ground situated in the Little Cottonwood mining district, Salt Lake County, Utah. Brockbank claimed to be the owner of the Homestead No. 1 claim, which was located Jan. 1, 1900, and the Albion Mining company claimed to be the owner of four claims, designated as the Omega, located Oct. 22, 1902; the Alice and Alice No. 1, located Jan. 2, 1903, and the Albion No. 3, located June 30, 1903. The area of these four claims was embraced in the boundaries of the Homestead No. 1.

The trial court found that the ground in dispute belonged to the Albion Mining company, subject to the paramount title of the United States, and dismissed Brockbank's complaint. Thereupon Brockbank appealed to the supreme court.

In his appeal Brockbank contended that the district court erred in finding that neither at the time of making the location nor at any other time since were the boundaries of the Homestead No. 1 marked by posts or monuments so as to indicate the boundaries of the claim.

The supreme court holds that this point was well taken, and that such a finding was not warranted by the evidence in the trial, and says:

"While the boundary was not fully marked on the day the location was posted, because the snow then being on the ground from ten to fifteen feet deep, it was impracticable to do so, still the notice having contained a full description of the claim by courses and distances from the discovery monument, where it was posted, and the claim being located on the same ground, the same ground, the owners of which were substantially in place, the location was at least sufficient to entitle the locator to perfect it within a reasonable time, or before other parties had acquired rights in the ground. When, afterwards, before any rights of the defendant, or adverse rights intervened, the plaintiff had the old monument repaired and the boundaries marked with a post three inches thick and about four feet high, set in a stone monument at each corner, the location became complete, and subsequent locators were bound to take notice of the plaintiff's rights. Corner monuments having formerly been placed on the ground and their locations corresponding with the calls in the notice, the locator, under the circumstances, had a right to adopt those monuments by repairing or reconstructing them, as was necessary, and the notice of location could properly be made to refer to the boundary monuments or stakes of the previous location."

And where a discovery of mineral has been made, and a proper location

## LIFE UNDERWRITERS MEET.

Members of Utah Association Hear Several Addresses and Some Musical Numbers.

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The topic, "The Purpose of the Association," was discussed by S. J. Stoekey. Then followed musical selections by Fred Graham, "Lapses, Some Causes and Remedies," formed the subject of a toast or discourse by N. J. Delaher, and R. W. Sloan told of the trials and tribulations of "The Solicitor." A solo was rendered by Miss Rennie Pedersen, and W. G. Farrell talked of "The Future of Life Insurance in the Light of Present Conditions."

Calendars, Novelties, Premiums.

Largest line in the west. Tell us your wants. Globe Adv. Co., 46-48 E. Brigham street, city. Magoon.

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